

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR. S-03-0103 FCD EFB

vs.

KAMALJIT SINGH KHERA,

Movant.

ORDER

Movant, a federal prisoner with counsel, has filed a motion to vacate, correct or set aside his sentence. *See* 28 U.S.C. § 2255. On August 5, 2008, the court denied movant's motion to seal the § 2255 motion, but directed movant to file a new motion to seal explaining the legal basis for the motion.

On August 19, 2008, however, movant filed a motion to unseal his § 2255 motion and the exhibits filed in support of that motion, explaining that he never wanted to file those documents under seal. On September 2, 2008, respondent moved for an extension of time to file a response and on September 15, 2008, respondent filed its response to the motion to unseal, stating that the government does not oppose unsealing the pleadings at this time, but requests that it be granted leave to seek a sealing order as to future pleadings if the need arises.

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1 Accordingly, it is hereby ORDERED that:


2 1. Respondent's September 2, 2008, motion for extension of time is granted;

3 2. Respondent's September 15, 2008, notice of non-opposition is deemed timely filed;

4 and,

5 3. There being no apparent reasons for the document to remain under seal, movant's
6 August 19, 2008, motion to unseal is granted and the Clerk of the Court is directed to unseal
7 docket number 348. Movant subsequently filed, under seal, an amended § 2255 motion with
8 exhibits and has not addressed whether those documents should be sealed. Accordingly, movant
9 is further ordered to file, within fifteen days of this order, a motion to seal or a motion to unseal
10 docket numbers 352 and 353.

11 Dated: January 13, 2009.

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13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE
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